IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 8015 OF 2007

Mr. Mohd. Hanif .... Petitioner

versus

Mra. Sugrabai Aabdul Rehman ..... Respondent.

Mr. H. Toor i/b Navdeep Vora & Associates for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 29TH OCTOBER, 2007

P.C.;

1. Perused the judgment and order passed by the Court of Small Causes in R.A.D. Suit No. 1456 of 2005 dated 6-10-2007. Paragraph 6 reveals that the plaintiff has claimed a declaration about she being a joint tenant in respect of the suit premises along with the present petitioner, who is her brother. The trial court by the impugned order has directed that the plaintiff be reinstated in the suit premises within one month of this order. The period would expire on 5-11-2007. There was no reason to move the trial court for stay of the order as there is sufficient time to file an appeal and an application for stay can be moved before the Appellate Court. Against this order there lies an appeal before the

Division Bench. In this view of the matter, the learned counsel for the petitioner does not press the petition and seeks liberty to move appropriate application seeking stay in the appeal which the petitioner proposes to file. Writ Petition is thus summarily dismissed, as withdrawn.

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